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General

Each Member is the employing authority; the Member determines the terms and conditions of employment and service for their staff. These terms and conditions must be consistent with applicable federal laws and House Rules.

1. Personnel actions affecting employment positions in the House of Representatives must be free from discrimination based on race, color, national origin, religion, sex (including marital or parental status), service in the military, disability, or age.

2. A Member may not retain an employee on the Member's payroll who does not perform official duties commensurate with the compensation received for the offices of the employing authority. (House Rule XXIV, clause 8(a)).

3. Employee means an individual appointed to a position of employment in the House of Representatives by an authorized employing authority including individuals receiving pay disbursed by the CAO and individuals in a Leave Without Pay or Furlough status.

4. Staff means all individuals including employees, fellows, unpaid interns, and volunteers who serve in the office of a Member.

5. Annual rates of pay may not exceed the amount specified in the Speaker's Pay Order.

6. Total compensation in any month including any lump sum and regular pay (including cash reimbursement for accrued annual leave) may not exceed 1/12th of the maximum rate of pay specified in the Speaker's Pay Order.

7. Retroactive pay adjustments are not authorized.

8. Government contributions to retirement, life insurance, Thrift Savings Plan, and health benefits programs are not charged to the MRA.

9. Each month, Member Offices receive a Payroll Certification Form from the Office of Human Resources that lists the annual pay and gross pay earned for each employee. If an employee is a relative of a current Member of Congress, the nature of the relationship to the Member must be noted on the Payroll Certification Form. The Member must certify the information and return the form to the Office of Human Resources no later than the 18th day of the month. Contact Human Resources at x51435 for payroll forms.

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Categories of Staff

Employee Ceiling

Under 2 U.S.C. § 92 each Member of the House of Representatives may employ 18 permanent employees and 4 additional employees. The 4 additional employees must be appointed to one of the following categories:

1. Interns

2. Part-time employees

3. Shared employees
4. Temporary employees
5. Employees on leave without pay

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Employees

The term employee means an individual appointed to a position of employment in the House of Representatives by an authorized employing authority including individuals receiving pay disbursed by the CAO and individuals in a Leave Without Pay or Furlough status.

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Interns

Interns, paid or unpaid, must perform services for the Member as part of a demonstrated educational plan. Each Member is responsible for determining the activities of the Member's interns.

Paid interns may work for no more than 120 days in a 12-month period and are not employees for purposes of compliance with the minimum wage and overtime provisions of the Fair Labor Standards Act. The gross annual rate of intern pay (\$21,600) is established by the Committee on House Administration. For the current applicable rate, contact the Committee on House Administration at x58281.

In regard to unpaid interns, Members must comply with the rules and regulations established by the Committee on Standards of Official Conduct (x57103).

Interns are ineligible for the following benefits:

1. Federal Employees' Retirement System
2. Federal life insurance

3. Federal health insurance

4. Thrift Savings Plan

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Part-time Employees

The term part-time employee means an individual who is employed by the Member and whose normally assigned work schedule is not more than the equivalent of 15 full working days per month.

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Temporary Employees

The term temporary employee means an individual who is employed for a specific purpose or task and who is employed for not more than 90 days in a 12-month period, except that the term of such employment may be extended with the written approval of the Committee on House Administration.

Temporary employees are ineligible for the following benefits:

1. Federal Employees' Retirement System

2. Federal life insurance

3. Federal health insurance

4. Thrift Savings Plan

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Shared Employees

The term shared employee means an employee who is paid by more than one employing authority of the House of Representatives.

1. Two or more employing authorities of the House may employ an individual.

2. Such shared employees must work out of the office of an employing authority, but are not required to work in the office of each employing authority. The pay from each employing authority shall reflect the duties actually performed for each employing authority. The name, title, and pay of such an individual will appear on each employing authority's Payroll Certification. Such employees may not receive pay totaling more than the highest rate of basic pay in the Speaker's Pay Order applicable to the positions they occupy.

3. Employees may not be shared between a Member or Committee office and the office of an Officer of the House if the employee, in the course of duties for an Officer, has access to the financial information, payroll information, equipment account information, or information systems of either Member, Committee, or Leadership offices.

See Dual Compensation (10).

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Employees on Leave Without Pay

See Leave Without Pay (14).

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Annuitants

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Civilian Annuitant

If a Member employs a Federal civil service annuitant, the amount of the annual annuity, when added to the annual rate of pay at which the employee is to be paid by the Member, may not exceed the highest rate of basic pay as authorized by the Speaker's Pay Order. The combined total of the civil service annuity and the amount of the salary will be charged to the MRA.

Waivers

Member offices will not be granted waivers of applicable annuity reductions or pay reductions.

Consultants

Only committees are authorized, pursuant to 2 U.S.C. § 72a, to procure the temporary services of consultants.

Consultants are not authorized for Member Offices.

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Contractors

Members may contract with firms or individuals only for general, non-legislative, office services (e.g. equipment maintenance, systems integration, data entry, staff training, photography, custodial services) for a specific, limited period not to exceed the Member's term. Such contracts are reimbursable. Such contractors are not employees of the House and are ineligible for government-provided benefits.

Contractors do not count against the Member's Employee Ceiling.

Members are advised to consult the Committee on House Administration when entering into such contracts.

See Custodial Services (23), Educational Expenses (16), Interpreting and Translation Services (18), Temporary Agencies (7), and Web Sites (36).

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Detailees

The term detailee means a non-Congressional federal employee assigned to a committee for a period of up to one year.

Detailees may not be assigned to a Member office (2 U.S.C. §72a(f)).

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Fellows

The term fellow means an individual performing services in a House office on a temporary basis as part of an established mid-career education program while continuing to receive the usual compensation from his or her sponsoring employer.

Fellows may be assigned to a Member office.

Fellows do not count against the Member's Employee Ceiling.

The use of fellows is subject to regulations established by the Committee on Standards of Official Conduct. Contact the Committee on Standards of Official Conduct at x57103.

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Temporary Agencies

Ordinary and necessary expenses related to services provided by an individual employed by a temporary agency are reimbursable if the following conditions are met:

1. Payment for such services is commensurate with the official duties performed by the individual.
2. Such an individual remains an employee of the agency and is not eligible for pay, benefits, rights, or privileges available to House employees.
3. The total of such individuals and employees may not exceed 22 individuals.

See Contractors (7).

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Volunteers

The term volunteer means an individual performing services in a House office without compensation from any source.

The voluntary service should be of significant educational benefit to the participant and such voluntary assistance should not supplant the normal and regular duties of paid employees.

Volunteers should be required to agree, in advance and in writing, to serve without compensation. (31 U.S.C. § 1342 & Comp. Gen. Op. B69907).

Volunteers do not count against the Member's Employee Ceiling.

The use of volunteers is subject to regulations established by the Committee on Standards of Official Conduct. Contact the Committee on Standards of Official Conduct at x57103.

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Employment Law

Congressional Accountability Act

Pursuant to the Congressional Accountability Act House employing offices are accountable under the following laws:

1. Fair Labor Standards Act of 1938
2. Title VII of the Civil Rights Act of 1964
3. The Americans with Disabilities Act of 1990
4. The Age Discrimination in Employment Act of 1967
5. The Family and Medical Leave Act of 1993
6. The Employee Polygraph Protection Act of 1988
7. Worker Adjustment and Retraining Notification Act
8. The Rehabilitation Act of 1973
9. Veterans' Reemployment Rights
10. Federal Labor-Management Relations
11. The public service and accommodations provisions of the Americans with Disabilities Act
12. The Occupational Safety and Health Act of 1970

The Office of Compliance has published A Guide to the Congressional Accountability Act of 1995, which is available from the Office of Compliance, Room LA-200, John Adams Building, Library of Congress, Washington, D.C. 20540-1999, (202) 724-9250. The Office of Compliance also provides materials that employing offices can use to notify

employees of their rights and protections under the CAA.

A Model Employee Handbook providing sample office policies to assist in developing an organization that complies with applicable laws and House Rules is available on the House Intranet Web Site:
<http://intranet.house.gov/>

The Office of House Employment Counsel is available to provide advice and guidance on employment matters generally, and on establishing office policies consistent with these laws, x57075.

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Nepotism

1. Under the federal statute prohibiting nepotism (5 U.S.C. § 3110) the term public official includes: a Member, an employee and any other individual, in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement.
2. Such a public official may not appoint, employ, promote, advance or advocate for appointment, employment, promotion, or advancement in or to a position in the office in which that public official is serving or over which that public official exercises jurisdiction or control any individual who is a relative of that public official.
3. Every employee must certify relationship to any Member of Congress on a certificate of relationship form available from Human Resources. If, at any time, the relationship of an employee to any current Member of Congress changes the employee must file an amended certificate of relationship form with the employing office. Contact Human Resources at x51435 for such forms.
4. Individuals with the following relationship to the Member may not be employed by the Member:

Aunt

Half-sister

Son-in-law

Brother

Husband

Stepbrother

Brother-in-law

Mother

Stepdaughter

Daughter

Mother-in-law

Stepfather

Daughter-in-law

Nephew

Stepmother

Father

Niece

Stepsister

Stepson

Father-in-law

Sister

First cousin

Sister-in-law

Uncle

Half-brother

Son

Wife

However, if a House employee becomes related to the employing Member (by marriage) the employee may remain on the Member's personal or committee payroll. Similarly, if a Member becomes the employing authority of a relative who was hired by someone else (e.g., the Member

ascends to the chairmanship of a Committee or subcommittee for which the relative is already working) the relative may remain on the payroll. However, the Member may not then give that individual further promotions or raises, other than cost-of-living or other across-the-board adjustments.

The statute does not prohibit a Member from employing two individuals who are related to each other but not to the Member (See, House Ethics Manual, pp. 187 and 188).

Contact the Committee on Standards of Official Conduct at x57103 for further information.

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Non-Disclosure Oath

House Rule XLIII, clause 13, requires Members and employees to execute an oath of non-disclosure before having access to classified information.

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Post-Employment Restriction

Members and employees paid at a rate equal to or greater than 75% of the basic rate of pay of a Member for at least 60 days in the one-year period preceding termination are subject to post-employment restrictions. For the current applicable rate and information regarding the applicable restrictions, contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103.

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Working from Home due to a Disability

In accordance with the Americans with Disabilities Act (ADA), a Member may reasonably accommodate a qualified employee with a disability by allowing the employee to work at home. As a condition of such a request, the Member may require certification from a physician of the need for such accommodation.

See Congressional Accountability Act (8) and Telecommunications (21).

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Pay

Appointment

The official appointment of each employee requires the Member's signature on the payroll authorization form. Required payroll forms must be received by Human Resources no later than the last business day of the month in which the appointment is effective. Subsequent adjustments to a payroll appointment (pay adjustments, title changes, furlough status, terminations, etc.) must also be made on the appropriate forms. Such forms are due at Human Resources by the 18th day of the month in which the adjustment is effective.

Dual Compensation

The aggregate gross annual salary of an employee receiving payment from the House who is also receiving payment from the U.S. Senate, Architect of the Capitol, or any other department or agency of the U.S. Government, may not exceed the gross annual rate established by 5 U.S.C. §5533. For the current applicable dual compensation rate, contact the Office of Human Resources, Payroll Department, at x5-1435.

Financial Disclosure

Members and employees receiving basic pay at a rate equal to or greater than 120 percent of the minimum pay for GS-15 for at least 60 days during any calendar year must file a Financial Disclosure Statement

upon appointment, termination, and annually on May 15th. For the current applicable rate, contact the Committee on Standards of Official Conduct, Office of Advice and Education at x57103.

Each Member's office that does not have an employee paid at or above the threshold must designate one employee as the "Principal Assistant" who must file a Financial Disclosure Statement.

Ordinary and necessary expenses incurred by Members and their employees, in support of the filing of reports consistent with the provisions of the Ethics in Government Act, are reimbursable.

Contact the Committee on Standards of Official Conduct at x57103.

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Lump Sum Payments

A Member may authorize a lump sum payment to an employee for any purpose consistent with the following:

1. Payments must be consistent with House Rule XXIV, clause 8(a), which requires that employees perform official duties commensurate with the compensation received. Employees may not be compensated from public funds to perform non-official, personal, political, or campaign activities on behalf of the Member, the employee, or anyone else.
2. A lump sum payment may not be more than the monthly pay of the employee receiving the lump sum payment.
3. Lump sum payments may be for services performed during more than one month.
4. Members may provide lump sum payments for accrued annual leave only if such leave was accrued in accordance with written personnel policies established prior to the accrual of such leave.
5. Total compensation in any month including any lump sum payment and regular pay (including cash reimbursement for accrued annual leave) may not exceed 1/12th of the maximum rate of pay specified in the Speaker's Pay Order.
6. Lump Sum Payments will be disclosed separately in the Quarterly Statement of Disbursements.
7. Lump sum payments are considered as part of "rate of pay" under the Speaker's Pay Order.
8. Lump sum payments are considered "supplemental wages" for taxation.
9. Lump sum payments are not considered as part of "basic pay" for

calculating Thrift Savings Plan, life insurance, and federal pensions.

10. Contact the Committee on Standards of Official Conduct at x57103 for information on the treatment of lump-sum payments with regard to financial disclosure, post-employment restrictions, and outside earned income limitations.

See Pay Adjustments (12).

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Outside Earned Income

Members and employees receiving basic pay at a rate equal to or greater than 120 percent of the minimum basic pay for GS-15 for at least 90 days in a calendar year are subject to the outside earned income limitation established by 5 U.S.C. app 4 § 501 (a)(1) and House Rule 25, cl. 1 (a)(1).

For the current applicable rate of basic pay, the amount of the limit and application of the House Rule, contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103.

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Overtime Wage Rate Compensation

Employees who are covered by the minimum wage and overtime provisions of the Fair Labor Standards Act ("non-exempt") must be compensated at time-and-a half for all hours worked in excess of 40 hours during any work week, either in pay or in time-off during the same pay period in accordance with consistently applied office personnel policies.

Overtime wage sheets must be received by Human Resources no later than the 18th day of the month following the month in which overtime wages were earned.

Contact Human Resources at x52450 for the appropriate forms.

Contact the Office of House Employment Counsel at x57075 for assistance in establishing overtime and time-off policies.

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Pay Adjustments

Members may adjust, in any month, an employee's pay to reflect exceptional, meritorious, or less than satisfactory service.

Such adjustments must be received by Human Resources by the 18th day of the month in which the adjustment is to be effective.

Retroactive pay adjustments are not authorized.

See Lump Sum Payments (11).

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Payroll Schedule

The monthly payroll is based on a 30-day pay period. (5 U.S.C. §5505).

Payment is made on the last business day of the month. (5 U.S.C. §5505).

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Rates of Compensation

Members are responsible for adhering to the applicable minimum wage provisions of the Fair Labor Standards Act (\$5.15 per hour as of September 1, 1997).

Interns are not employees for purposes of compliance with the minimum

wage and overtime provisions of the Fair Labor Standards Act.

The maximum rate of pay established for Member Offices by Order of the Speaker is \$153,022 as of January 1, 2004 .

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Terminations

Terminations must be made on a Payroll Authorization Form and submitted to Human Resources as soon as the date of termination is known. If the termination notice is received by Human Resources after the 18th day of the month, the payroll check for that month may have already been processed. If an employee is overpaid, the Member is responsible for obtaining reimbursement.

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Leave

General

The Member determines the terms and conditions of employment, including provisions for leave (e.g. Annual, Administrative, and Sick).

Contact the Office of House Employment Counsel at x57075 for model leave policies.

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Family and Medical Leave (FMLA)

A person employed by the House for at least one year and for a total of at least 1,250 hours during the previous 12-month period is entitled to up to a total of 12 weeks of unpaid leave during any 12-month period for the following family and medical reasons:

1. For the birth of a child and to care for the newborn child.
2. To adopt a child or to receive a child in foster care.
3. To care for a spouse, son, daughter, or parent who has a serious health condition.
4. For the employee's own serious health condition which makes the employee unable to perform the functions of his or her job. (29 U.S.C. § 2601 et seq.)

Employees on Family and Medical Leave remain eligible for all benefits.

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Furlough

Furlough is an absence without pay initiated by the Member. Placement in Furlough status is at the discretion of the Member, unless statute otherwise requires placement in such status.

1. To be eligible for appointment to Furlough status at the discretion of the Member, an employee must have been employed by the Member for the entire month prior to the effective date of Furlough status.
2. An employee placed in a Furlough status continues to fill an employee position. The name of such employees will be listed on the monthly payroll certification forms.
3. Continuation of employee benefits while in a Furlough status:
 - a. Health benefits enrollment and coverage may be continued for up to 12 months. However, to maintain such enrollment and coverage, an employee placed in a Furlough status is responsible for the payment of the employee's portion of the insurance premium for the period of the Furlough status, either by direct payment or by incurring a debt to the House. Employees should contact Human Resources for more information on applicable regulations.
 - b. Life insurance continues for up to 12 months without employee contribution.
 - c. Retirement coverage continues without employee contribution. Up to 6 months in a calendar year is credited for service in the annuity computation.
4. The placement of an employee in a Furlough status must be made on the appropriate form provided by Human Resources and received no later than the 18th day of the month in which the placement is to be effective. Contact Human Resources at x52450 for such forms.

Contact Human Resources at x52450 for information on employee benefits while on Furlough.

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Jury and Witness Duty

Under 2 U.S.C. § 130b, the pay of an employee shall not be reduced during a period of absence with respect to which the employee is summoned as a juror; or as a witness on behalf of any party in connection with any judicial proceeding to which the United States or a State or local government is a party.

An employee may not receive fees for service as juror in a court of the United States or the District of Columbia; or as a witness on behalf of the United States or the District of Columbia. If an employee receives an amount (other than travel expenses) for service as a juror or witness in such a court the employee must remit such amount to the Office of Finance for deposit in the general fund of the Treasury.

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Leave Without Pay (LWOP)

LWOP is an absence without pay. LWOP status is initiated by the employee and is subject to Member approval, unless statute otherwise requires placement in such leave status. To be eligible, an employee must have been employed by the Member for the entire month prior to the effective date of the LWOP status.

1. As a basic condition for approval of LWOP status, there should be a reasonable assurance that the employee will return to duty at the end of the approved period. Members are encouraged to contact the Committee on Standards of Official Conduct at x57103 prior to approving a LWOP status request to confirm that no conflict of interest issues exist.
2. LWOP status should be requested in advance of the period of absence.
3. LWOP status may not exceed 12 months in a 24-month period.
4. When an employee has been appointed to LWOP status, he or she continues to fill a payroll position. The name of such employees will be listed on the monthly payroll certification forms.
5. Continuation of Employee Benefits while on LWOP status:
 - a. Health benefits enrollment and coverage may be continued for up to 12 months. However, to maintain such enrollment and coverage, an employee placed in a LWOP status is responsible for the payment of the employee's portion of the insurance premium for the period of the LWOP status, either by direct payment or by incurring a debt to the House. Employees should contact Human Resources for more information on applicable regulations.
 - b. Life insurance continues for up to 12 months without employee contribution.

c. Retirement coverage continues without employee contribution. Up to 6 months in a calendar year is credited for service in the annuity computation.

6. The placement of an employee on LWOP status must be made on the payroll authorization form available from Human Resources and received by Human Resources no later than the 18th day of the month in which the placement is to be effective. Contact Human Resources at x52450 for such forms.

Contact Human Resources at x52450 for information on employee benefits while on LWOP.

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Military Leave

Employees who are members of a National Guard or Armed Forces Reserves unit are entitled to leave without loss in pay, time, or performance or efficiency rating for active duty or engaging in field or coast defense training as a Reserve of the armed forces or member of the National Guard. Leave accrues for an employee or individual at the rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year. (5 U.S.C. § 6323).

Contact the Office of House Employment Counsel for additional information on the rights, benefits, and obligations of individuals absent from employment for service in a uniformed service. (38 U.S.C. §§ 4317 - 4319).

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MEMBER'S HANDBOOK

MEMBERS' REPRESENTATIONAL ALLOWANCE

OFFICIAL & REPRESENTATIONAL EXPENSES